

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:09-CR-0284-01</b>
	:	<b>CRIMINAL NO. 1:09-CR-0380-03</b>
	:	
<b>v.</b>	:	<b>(Judge Conner)</b>
	:	
<b>JOSE RODRIGUEZ</b>	:	

**ORDER**

AND NOW, this 2nd day of August, 2010, upon consideration of the motion to dismiss indictments with prejudice, (United States v. Rodriguez, No. 1:09-CR-0284-01, Dkt. No. 124; United States v. Preciado-Rodriguez, No. 1:09-CR-0380-03, Dkt. No. 180), filed by defendant Jose Rodriguez (“Rodriguez”), and it appearing that Rodriguez is represented by counsel but filed the instant motion without assistance therefrom, see United States v. D’Amario, 268 F. App’x 179, 180 (3d Cir. 2008) (“The Constitution does not confer a right to proceed simultaneously by counsel and pro se . . . .”); see also United States v. Vampire Nation, 451 F.3d 189, 206 n.17 (3d Cir. 2006), it is hereby ORDERED that the motion to dismiss indictments, (United States v. Rodriguez, No. 1:09-CR-0284-01, Dkt. No. 124; United States v. Preciado-Rodriguez, No. 1:09-CR-0380-03, Dkt. No. 180) is DENIED without prejudice to Rodriguez’s right to file a motion seeking similar relief with the assistance of counsel.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge